

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jolene J.-D.,

Case No. 23-CV-02297 (JMB/DLM)

Plaintiff,

v.

**ORDER ON REPORT AND
RECOMMENDATION**

Martin J. O'Malley, Commissioner of
Social Security Administration,

Defendant.

Edward C. Olson, Reitan Law Office, Minneapolis, MN, and Clifford Michael Farrell (*pro hac vice*), Manring & Farrell, Dublin, OH, for Plaintiff Jolene J.-D.

Ana H. Voss, United States Attorney's Office, Minneapolis, MN, and Chris Carillo, James D. Sides, and Sophie Doroba, Social Security Administration, Baltimore, MD, for Defendant Martin J. O'Malley, Commissioner of Social Security Administration.

This matter is before the Court on the Report and Recommendation (R&R) of United States Magistrate Judge Douglas L. Micko dated July 1, 2024. (Doc. No. 21.) Neither party has objected to the R&R, and the time to do so has now passed. *See* D. Minn. L.R. 72.2(b)(1). In the absence of timely objections, the Court reviews the R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (*per curiam*). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. No. 21) is ADOPTED;
2. Plaintiff's Motion for Summary Judgment (Doc. No. 15) is GRANTED in part;

3. Defendant's Motion for Summary Judgment (Doc. No. 17) is DENIED; and
4. The matter is REMANDED to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), for further administrative proceedings consistent with the R&R. As stated in the R&R, "[o]n remand, the ALJ should: (1) explain why Plaintiff's RFC should (or should not) be further limited to brief and superficial workplace interactions; and (2) recall a vocational expert for testimony if necessary to address new hypothetical questioning based on a resulting modified RFC." (Doc. No. 21 at 19.)

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 19, 2024

/s/ Jeffrey M. Bryan
Judge Jeffrey M. Bryan
United States District Court